

REMARKS

Status of the Claims

Claims 18-31 are pending, with Claims 18, 21, 24, 28, and 31 being independent.

Requested Action

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejection in view of the foregoing amendments and the following remarks.

Allowed Claim

Applicant gratefully acknowledges the allowance of Claim 31.

Rejection

Claims 18-30 were rejected for non-statutory obviousness-type double patenting over Claims 27-29 and 36-48 of U.S. Patent No. 6,630,954 (Okada).

In response, while not conceding the propriety of the rejection, and solely to expedite prosecution of the present application, Applicant submits herewith a Terminal Disclaimer over U.S. Patent No. 6,630,954. The \$140 terminal disclaimer fee is being paid electronically. The Commissioner is authorized to charge any deficiency in the fee to Deposit Account No. 06-1205.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991). The filing of a terminal disclaimer serves the statutory function of removing the rejection of double

patenting, and raises neither a presumption, nor estoppel on the merits of the rejection. *Id.*; M.P.E.P. § 804.02. Based upon the filing of the Terminal Disclaimer and accompanying fee, Applicant respectfully requests that the obviousness-type double patenting rejection be withdrawn.

Conclusion

In view of the above remarks, and the submission of the attached Terminal Disclaimer, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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